



**REPORT OF THE AUDITOR OF PUBLIC ACCOUNTS
AUDIT EXAMINATION OF THE
CLARK COUNTY SHERIFF**

Calendar Year 1998

**EDWARD B. HATCHETT, JR.
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Edward B. Hatchett, Jr.
Auditor of Public Accounts

To the People of Kentucky
Honorable Paul E. Patton, Governor
John P. McCarty, Secretary
Finance and Administration Cabinet
Mike Haydon, Secretary, Revenue Cabinet
Honorable Drew Graham, County Judge/Executive
Honorable Gary Lawson, Clark County Sheriff
Members of the Clark County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of receipts, disbursements, and excess fees of the Sheriff of Clark County, Kentucky, for the year ended December 31, 1998. This financial statement is the responsibility of the Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with generally accepted auditing standards, Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff is required to prepare the financial statement on a prescribed basis of accounting that demonstrates compliance with the cash basis and laws of Kentucky, which is a comprehensive basis of accounting other than generally accepted accounting principles. This cash basis system does not require the maintenance of a general fixed asset group or general long-term debt group of accounts. Accordingly, the accompanying financial statement is not intended to present financial position and results of operations in conformity with generally accepted accounting principles.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the receipts, disbursements, and excess fees of the Sheriff for the year ended December 31, 1998, in conformity with the basis of accounting described above.

To the People of Kentucky
Honorable Paul E. Patton, Governor
John P. McCarty, Secretary
Finance and Administration Cabinet
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Honorable Drew Graham, County Judge/Executive
Honorable Gary Lawson, Clark County Sheriff
Members of the Clark County Fiscal Court

Based on the results of our audit, we have presented a schedule of Comment and Recommendation, included herein, which discusses the following area of noncompliance:

- The Sheriff Should Have Required Depository Institutions To Pledge Additional Securities Of \$465,284 As Collateral To Protect Deposits

In accordance with Government Auditing Standards, we have also issued a report dated September 3, 1999, on our consideration of the Sheriff's compliance with certain laws and regulations and internal control over financial reporting.

Respectfully submitted,



Edward B. Hatchett, Jr.
Auditor of Public Accounts

Audit fieldwork completed -
September 3, 1999

CLARK COUNTY
GARY LAWSON, SHERIFF
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES

Calendar Year 1998

Receipts

Federal Grants		\$	20,010
State Fees For Services:			
Finance and Administration Cabinet	\$	11,980	
Kentucky Law Enforcement Program Fund		14,407	26,387
Circuit Court Clerk:			
Sheriff Security Service	\$	17,020	
Fines/Fees Collected		4,944	21,964
Fiscal Court			90,242
County Clerk - Delinquent Taxes			5,402
Commission On Taxes Collected			293,673
Fees Collected For Services:			
Auto Inspections	\$	13,285	
Carrying Concealed Deadly Weapons Permits		6,435	
Cruiser/Equipment Restitution		1,925	
Serving Papers		28,645	50,290
Miscellaneous			704
Interest Earned			7,954
Borrowed Money:			
State Advancement	\$	116,651	
Bank Note		25,000	141,651
Gross Receipts		\$	658,277

Disbursements

Operating Disbursements and Capital Outlay:

Personnel Services-			
Deputies' Gross Salaries	\$	255,607	
Employee Benefits-			

CLARK COUNTY
 GARY LAWSON, SHERIFF
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES
 Calendar Year 1998
 (Continued)

Employer's Share Social Security	21,590		
<u>Disbursements</u> (Continued)			
Operating Disbursements and Capital Outlay:			
(Continued)			
Materials and Supplies-			
Office Materials and Supplies	\$ 27,767		
Uniforms	2,772		
Auto Expense-			
Gasoline	13,058		
Maintenance and Repairs	16,419		
Cruiser Lease	7,428		
Other Charges-			
Advertising	409		
Conventions and Travel	2,785		
Dues	1,076		
Postage	5,671		
Insurance	4,295		
Miscellaneous	610		
Capital Outlay-			
Vehicles	69,104	\$ 428,591	
Debt Service:			
State Advancement	\$ 116,651		
Notes	25,000		
Interest	874	142,525	
Total Disbursements		\$ 571,116	
Net Receipts		\$ 87,161	
Less: Statutory Maximum		48,726	
Excess Fees Due County for Calendar Year 1998		\$ 38,435	
Payment to County Treasurer- April 28,1999		38,435	
Balance Due at Completion of Audit		\$ 0	

The accompanying notes are an integral part of the financial statement.

CLARK COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 1998

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of receipts over disbursements to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

The financial statement has been prepared on a cash basis of accounting pursuant to KRS 68.210 as recommended by the State Local Finance Officer. Revenues and related assets are generally recognized when received rather than when earned. Certain expenses are recognized when paid rather than when a liability is incurred, including capital asset purchases. Certain other expenses are recognized when a revenue and the related asset can be associated with a corresponding liability due another governmental entity.

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a multiple-employer public retirement system that covers all eligible full-time employees. Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 8.65 percent. Hazardous covered employees are required to contribute 7.0 percent of their salary to the plan. The county's contribution rate for hazardous employees was 18.69 percent.

CLARK COUNTY
 NOTES TO FINANCIAL STATEMENT
 December 31, 1998
 (Continued)

Note 2. Employee Retirement System (Continued)

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Aspects of benefits for hazardous employees include retirement after 20 years of service or age 55.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is present in the Kentucky Retirement Systems' annual financial report which is a matter of public record.

Note 3. Deposits

The Sheriff maintains deposits with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to law, the depository institution should pledge sufficient securities as collateral which, together with FDIC insurance, equals or exceeds the amount on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge of securities should be evidenced by an agreement that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. This agreement, signed by both parties, must be sufficient to create an enforceable and perfected security interest in the collateral under Kentucky law. The Sheriff entered into a written agreement with the depository institution and met requirements (a), (b), and (c) stated above. However, as of November 30, 1998, the uncollateralized amount on deposit was \$465,284. The pledged securities and FDIC insurance did not equal or exceed the amount on deposit.

The county official's deposits are categorized below to give an indication of the level of risk assumed by the county official as of November 30, 1998.

	<u>Bank Balance</u>
Collateralized with securities held by pledging depository institution in the county official's name	\$ 5,268,969
Uncollateralized and uninsured	<u>465,284</u>
Total	<u>\$ 5,734,253</u>

Note 4. Grant

The Clark County Sheriff was awarded a COPS FAST Grant from the U. S. Department of Justice in March 1995. The balance on January 1, 1998, was \$3,038. The account received \$18,750 and expended \$20,010 during calendar year 1998. The ending balance as of December 31, 1998, was \$1,778.

CLARK COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 1998
(Continued)

Note 5. Lease

The office of the Sheriff is committed to a lease agreement with Provident Auto Leasing Company for a 1999 Dodge Durango. The agreement requires a monthly payment of \$466 for 36 months to be completed on December 2001. The total balance of the agreement is \$16,780 as of December 31, 1998.

Note 6. Special Accounts

- A. The Clark County Sheriff's DARE account had a beginning balance of \$5,956 on January 1, 1998. The DARE account received \$1,000 and expended \$475 during calendar year 1998. The ending balance at December 31, 1998, was \$6,481.
- B. The Clark County Sheriff's Special Investigation account had a beginning balance of \$426 on January 1, 1998. The Special account received \$2,000 and expended \$2,200 during calendar year 1998. The ending balance at December 31, 1998, was \$226.

CLARK COUNTY
GARY LAWSON, SHERIFF
COMMENT AND RECOMMENDATION

Calendar Year 1998

STATE LAWS AND REGULATIONS:

The Sheriff Should Have Required Depository Institutions To Pledge Additional Securities Of \$465,284 As Collateral To Protect Deposits

The Sheriff's deposits were not adequately secured by \$465,284 as of November 30, 1998. Under provisions of KRS 66.480(1)(d) and KRS 41.240(4), banks are required to provide pledges of securities as collateral for interest-bearing and noninterest-bearing deposits if either exceeds the \$100,000 amount of insurance coverage provided by the Federal Deposit Insurance Corporation. We recommend that the Sheriff require depository institutions to pledge sufficient securities as collateral to protect deposits at all times. On October 8, 1998, the Sheriff requested pledges that would have been sufficient to cover deposits, however, the bank failed to pledge the securities in a timely manner.

Management's Response:

I talked to bank officials about their failure to pledge enough securities for 1998. They have assured me they will monitor the pledges in a more timely manner, so this will not happen again.

REPORT ON COMPLIANCE
AND ON INTERNAL CONTROL OVER FINANCIAL
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



Edward B. Hatchett, Jr. Auditor of Public Accounts

Honorable Drew Graham, County Judge/Executive
Honorable Gary Lawson, Clark County Sheriff
Members of the Clark County Fiscal Court

Report On Compliance And On Internal Control Over Financial Reporting Based On An Audit Of The Financial Statement Performed In Accordance With Government Auditing Standards

We have audited the Clark County Sheriff as of December 31, 1998, and have issued our report thereon dated September 3, 1999. We conducted our audit in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the Clark County Sheriff's financial statement as of December 31, 1998, is free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Clark County Sheriff's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

Honorable Drew Graham, County Judge/Executive
Honorable Gary Lawson, Clark County Sheriff
Members of the Clark County Fiscal Court
Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

This report is intended for the information of management. However, this report, upon release by the Auditor of Public Accounts, is a matter of public record and its distribution is not limited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ed Hatchett".

Edward B. Hatchett, Jr.
Auditor of Public Accounts

Audit fieldwork completed -
September 3, 1999

